IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 6549 of 2007(D)

PETITIONER:

V.V.YOHANNAN,
VEMPILLYMATTATHIL HOUSE,
CHEMMANAD KARA, BAKTHANANDAPURAM,
THIRUVANIYOOR VILLAGE.

BY ADV. SRI.P.JACOB VARGHESE
SRI.V.MANOJ KUMAR
SRI.VARUGHESE M EASO
SMT.PRAISHEEL PRAKASAM
SRI.K.B.ARUN

RESPONDENTS:
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1. DISTRICT COLLECTOR,
ERNAKULAM DISTRICT.

2. REVENUE DIVISIONAL OFFICER,
MUVATTUPUZHA, ERNAKULAM.

3. TAHSILDAR,
KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT.

4. VILLAGE OFFICER,
THIRUVANIYOOR VILLAGE,
KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT.

5. STATE OF KERALA,
REP. BY CHIEF SECRETARY,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.6549/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF SANCTION LETTER DT.20.6.95.

EXT.P2: ORDERS OF ASSESSMENT NO.G5.19339/04 DT.18.2.05 BY THE 3RD RESPONDENT.

EXT.P2(a): ORDERS OF ASSESSMENT NO.G5.19339/04 DT.18.2.05 BY THE 3RD RESPONDENT.

EXT.P3: TRUE COPY OF APPEAL MEMORANDUM FILED BEFORE THE 2ND RESPONDENT.

EXT.P4: THE TRUE COPY OF THE ORDER NO.K.DIS.2127/05/A7 DT.30.1.06.

EXT.P5: TRUE COPY OF THE APPEAL MEMORANDUM FILED BY THE PETITIONER BEFORE 1ST RESPONDENT.

EXT.P6: TRUE COPY OF ORDER NO.B10-13295/06/K.DIS. DT.29.12.06 BY THE 1ST RESPONDENT.

//TRUE COPY//

P.A. TO JUDGE

ANTONY DOMINIC, J.
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W.P.(C) NO. 6549 OF 2007 D
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Dated this the 3rd day of December, 2007

J U D G M E N T

Pursuant to the order dated 13/6/07, building of the petitioner has been measured and according to the report furnished, the plinth area is only 277.75 M^3. If that be so, the building is outside the purview of the Act and the petitioner is entitled to succeed.

2. In view if this, the impugned orders will stand quashed and the amount if any remitted by the petitioner, shall be refunded forthwith.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp